

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HENRY GORHAM, JR.,)	
Plaintiff,)	Civil Case No. 7:16cv00191
)	
v.)	
)	
VIRGINIA DEPARTMENT OF)	By: Elizabeth K. Dillon
CORRECTIONS, <i>et al.</i> ,)	United States District Judge
Defendants.)	

ORDER

This matter is before the court on Gorham's motion for reconsideration of the court's memorandum opinion and order entered on June 8, 2016, dismissing Gorham's 42 U.S.C. § 1983 complaint without prejudice for failing to comply with the court's conditional filing order. By order entered May 9, 2016, the court conditionally filed this action and directed Gorham to provide the court with an executed consent to withholding of the filing fee form. The court did not receive the required form from Gorham and, therefore, dismissed the action without prejudice. In his instant motion, Gorham states that the "requested" document was sent to the court on April 28, 2016. However, the court had not even sent Gorham the form at that time and Gorham still has not provided the court with the completed form.¹ Accordingly, it is hereby ORDERED that Gorham's motion for reconsideration is DENIED. The court notes that the dismissal of Gorham's complaint was without prejudice to his opportunity to refile his claims in a separate action.

Entered: June 30, 2016.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge

¹ It appears that Gorham may be mistaking the required consent to fee form with the required inmate account statements which were requested by an earlier order entered April 19, 2016.